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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,821	03/29/2001	Michel Roger	713-417	1461

7590

06/28/2002

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EXAMINER

ZACHARIA, RAMSEY E

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 06/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/819,821

Applicant(s)

ROGER, MICHEL

Examiner

Ramsey Zacharia

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1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.                      6) ☐ Other: .

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on April 4, 2000. It is noted, however, that applicant has not filed a certified copy of the French application as required by 35 U.S.C. 119(b).

### *Specification*

2. The abstract of the disclosure is objected to because it is more than one paragraph in length. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of informalities such as: it lacks a separate section under the heading "Brief Description of Drawings", etc.

The applicant is requested to review the application thoroughly and make all appropriate corrections. The Applicants are requested to replace the phrase "characterized in that" in all applicable claims with the term --wherein-- to put the claim in the traditionally accepted language of the U.S. Patent system. ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kodama et al. (EP-A-582,302).

Kodama et al. teach a fuel hose suitable for use in an automobile (page 2, lines 5-6). The hose comprises an inner layer composed of a fluoropolymer, such as polytetrafluoroethylene, and an outer layer composed of a rubber (page 3, lines 17-32). The thickness of the fluoropolymer layer is preferably in the range of 0.1-0.2 mm, i.e. 100-200  $\mu\text{m}$  which is a few tens of microns (page 3, lines 51-52). A layer of fiber, such as nylon, polyester, or aramid fiber, may be formed on the outside of the outer layer (page 4, lines 1-7).

Regarding the limitation of claim 4, the rubber is a plastic since “plastic” is defined as “any of numerous organic synthetic or processed materials that are mostly thermoplastic or thermosetting polymers of high molecular weight and that can be made into objects, films, or filaments. Furthermore, the layer of fiber formed around the rubber layer also constitutes a plastic layer since nylon, polyester, and aramid are all plastics.

7. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (U.S. Patent 3,356,108). Johnson teaches a tube comprising a coating of plastic on the inside of the tube (column 1, lines 10-14). The plastic used is a polymer of tetrafluoroethylene (column 1, lines 53-63). The thickness of the plastic coating is about 0.0001-0.004 inches, i.e. about 2.5-100  $\mu\text{m}$  which reads on a few tens of microns (column 2, lines 30-32). The coating is applied by spraying (Figure 1 and column 2, lines 49-51). The coating composition includes the polymer, water (a solvent), and may optionally include an adhesive agent (column 2, line 57-column 3, line 4).

The limitations that the part is “for a motor vehicle” and “intended to come into contact with hydrocarbons” are taken to be intended uses of the product. The claims are properly rejection because it has been held that a recitation with respect to the manner in which a claimed

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product is intended to be employed does not differentiate the claimed product from a prior art product satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647

(1987). ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (U.S. Patent 3,356,108) in view of the Encyclopedia of Polymer Science and Engineering (Coatings: Maintenance Paints).

Johnson teaches a tube comprising tetrafluoroethylene polymer spray coated on the inside of the tube, as outlined above. The coating is designed to improve the corrosion resistance of the tube.

Johnson does not teach the addition of a pigment to the coating composition.

The Encyclopedia of Polymer Science and Engineering discloses pigments which inhibit corrosion that may be incorporated into coatings (page 653).

One of ordinary skill in the art would be motivated to add a corrosion inhibiting pigment to the coating of Johnson to increase the corrosion resistance of the coating.

Therefore, the invention of claim 9 would have been obvious to one of ordinary skill in the art at the time the invention was made.

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10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (U.S. Patent 3,356,108) in view of Eguchi et al. (U.S. Patent 5,665,444).

Johnson teaches a tube comprising tetrafluoroethylene polymer spray coated on the inside of the tube, as outlined above.

Johnson does not teach that the spray nozzle and the tube are giving relative translational and rotational movement. However, Johnson does illustrate the spray nozzle moving down the axis of the tube, i.e. translational movement (Figure 1 and column 2, lines 62-66).

Eguchi et al. is directed to a method for applying a coating to the inside of a tube (column 1, lines 8-15). The coating may be applied by spraying (column 9, lines 33-37). The spray nozzle may be rotated around its shaft (column 9, lines 41-47). Rotating the nozzle around its shaft, in combination with increasing the number of openings in the nozzle, allows the coating to be applied more uniformly.

One of ordinary skill in the art would be motivated to rotate the nozzle of Johnson in order to produce a more uniformly applied coating.

Therefore, the invention of claim 10 would have been obvious to one of ordinary skill in the art at the time the invention was made.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (703) 305-0503. The examiner can normally be reached on Monday through Friday from 9 to 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 for non after-final correspondences and (703) 872-9311 for after-final correspondences.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'RZ' with a stylized flourish.

Ramsey Zacharia

Patent Examiner

Technology Center 1700

6/26/02